

SEP 05 2006

**IN THE UNITED STATES PATENT AND TRADEMARK  
OFFICE**

In re Application of George E. Fox, )  
Richard C. Willson III and Zhengdong Zhang )  
Serial No.:10/057,270 )  
Filed: 26 Jan 2002 )  
For: ...Methods for Determining the Genetic )  
Affinity of Microorganisms and viruses )  
Examiner Jason )  
Sims (571)-2727540. )  
Group 1631 )  
Priority: 26 Jan 2001, USSN 60/254,403 )  
Attorney Docket: 010AUS )  
USPTO Customer Number: 26830 )  
Response Due: **5 September 2006** [With 1 mo. Extension]

Commissioner for Patents  
Box 1450 Group 1631  
Alexandria VA 22313-1450

**AMENDMENT IN RESPONSE TO FIRST ACTION ON THE MERITS**

Sir:

In response to the Office Action mailed 5 May 2006, consideration of the following remarks is solicited.

The undersigned Attorney certifies that this Document has been filed via fax to 571-273-8300 Central Fax of the USPTO on 4 September 2006 (37 CFR 1.10).

Applicants' Attorney herein responds to the above Office Action mailed 5 May 2006. An additional fee is believed due as there are now presented 24 claims of which 4 are independent.

**Interview**

At the 27 April 2006 telephone interview helpfully initiated by Examiner Sims, Applicants' Attorney elected the species parsimony methods as a method for generating a tree of relationships under Group II, as reported in the PTOL-413 form included in the Office Action. That was the entire business at the interview.